



ARIZONA HOUSE OF REPRESENTATIVES

HB 2097: sovereign authority; commandeering; prohibition; exception

PRIME SPONSOR: Representative Thorpe, LD 6

BILL STATUS: [House Engrossed](#)

FPRPP: DPA 7-2-0-0

Legend:

U.S. – United States

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to sovereign authority.

Provisions

1. Authorizes the Legislature, with the approval of the Governor, to prohibit Arizona and any county, city or town from using personnel or financial resources to enforce, administer or cooperate with any action of the U.S. government that constitutes commandeering. (Sec. 1)
2. Requires the Legislature to consider written complaints from various entities in Arizona concerning any suspected commandeering action by the U.S. government. (Sec. 1)
3. Requires the Attorney General to annually notify the U.S. Department of Justice of this prohibition. (Sec. 1)
4. Defines *action* and *commandeering*. (Sec. 1)
5. Contains legislative findings. (Sec. 2)
6. Contains technical and conforming changes. (Sec. 1)

Current Law

[Article 2, Section 3 of the Arizona Constitution](#) authorizes Arizona to exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution.

[Article 1, Section 1 of the United States Constitution](#) states that all legislative powers be vested in the U.S. Congress, which consists of a Senate and House of Representatives.

The Anti-Commandeering Doctrine, established by case law, holds that the federal government cannot compel states to actively implement or enforce federal acts or regulatory programs. Case law relating to this doctrine includes: [Prigg v. Pennsylvania \(1842\)](#), [New York v. United States \(1992\)](#), [Printz v United States \(1997\)](#) and [National Federation of Independent Business v. Sebelius \(2012\)](#).

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note